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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,)	No. CR-11-00938 SBA
Plaintiff,)	
v.)	
DIEGO LYTHELL ANDERSON,)	STIPULATION AND
Defendant.)	ORDER TO CONTINUE STATUS
)	CONFERENCE TO AUGUST 28, 2012

On August 13, 2012, the Court denied defendant's motion to suppress evidence all evidence seized from him at the time of his arrest. At the conclusion of the order, the case was referred to the duty magistrate judge for status or trial setting. The parties request that this Court set this matter for status conference or trial setting on August 28, 2012 at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act between the date of this stipulation and August 28, 2012. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and

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1 (B)(iv).

2 Such continuance is required because defense counsel needs time to review the
3 order with his client, and research available options for potential trial or appeal. During
4 this time, government counsel is researching options for, and preparing for, a variety of
5 approaches, including: a stipulated facts bench trial; a full jury trial; or a conditional
6 guilty plea offer. This continuance will allow the reasonable time necessary for effective
7 preparation and continuity of counsel, taking into account the exercise of due diligence.

8 As such, the parties respectfully request that the time between the date of this
9 stipulation and August 28, 2012 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

10 DATED: August 15, 2012 Respectfully submitted,

11 MELINDA HAAG
12 United States Attorney

13 /s/ Christina McCall
14 CHRISTINA McCALL
15 Assistant United States Attorney

16 /s/ Jerome Matthews
17 JEROME MATTHEWS
18 Attorney for Diego Lythell Anderson

19 **ORDER**

20 Based on the reason provided in the stipulation of the parties above, the Court
21 hereby FINDS that for adequate preparation of the case by all parties, and in the interest
22 of justice, pursuant to 18 U.S.C. sections 3161(h)(7)(A) and (B)(iv), an exclusion of time
23 is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY
24 ORDERED THAT the hearing is set on August 28, 2012 before the duty magistrate judge
25 at 9:30 a.m., and time is excluded from the date of this stipulation until August 28, 2012.

26 **IT IS SO ORDERED.**

27 DATED: 8/15/12

28 
SAUNDRA B. ARMSTRONG
United States District Judge

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